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SUBJECT: DECEMBER 4 UPDATE ON ANS TELEVISION ISSUE

REF: BAKU 1752 AND PREVIOUS

Classified By: Ambassador Anne E. Derse per 1.4 (b,d).

¶1. (C) As reported reftel, Ambassador spoke to Presidential Chief of Staff Ramiz Mehdiyev December 2 to seek clarification of the apparent contradiction between the GOAJ's decision to offer ANS TV's frequency for tender and the assurances provided by President Aliyev that ANS will be allowed to resume broadcasts "with time." Mehdiyev said that the tender does not place limits on ANS' ability to resume broadcasts, arguing that ANS can compete freely in the tender and, as a result of the tender process, "might get a chance to broadcast." As long as ANS' license was not renewed, Mehdiyev said that the frequency legally is considered open and available, and the National TV and Radio Council (NTRC) had no choice but to announce a tender for the frequency. In President Aliyev's November 27 press interview, Mehdiyev said that Aliyev had made it clear that ANS "should participate" in the tender and "can win."

¶2. (C) Mehdiyev accused ANS of not engaging in dialogue with the NTRC. Mehdiyev claimed that the NTRC has reached out to ANS, but that ANS' leadership is "avoiding a meeting." (Note: We called the ANS leadership, who said that the Council had not responded to their requests for a meeting. We then relayed that information to the Presidential Apparatus, stating that we believed ANS was sincere in its efforts to resolve the dispute.) Mehdiyev said that the NTRC is "unhappy" that ANS will not meet with the NTRC, adding that the NTRC believes ANS is conducting "all dialogue through the newspapers." Mehdiyev further accused ANS of "playing some game" in the press, and said he does not understand why ANS leadership will not meet with the NTRC to discuss the licensing issue. Mehdiyev believes that ANS is "trying to use different channels to influence the NTRC." As evidence of the GOAJ's goodwill toward ANS, Mehdiyev said that the ANS Group had recently applied to the Ministry of Justice for permission to establish three newspapers. Mehdiyev said there are "no limits or prohibitions on this," and there would be "no problem" with approval. DCM separately called Presidential Political Advisor Ali Hasanov December 2 to make the same points about ANS.

¶3. (C) Following up on a recommendation made by Mehdiyev at the November 25 meeting (see reftel), US and UK DCMs, along with Embassy Public Affairs Officer, met for almost 90 minutes December 4 with NTRC Chairman Maharramli. Both DCMs emphasized the serious nature of the step the Council was making, one that changed a part of the media landscape here that was highly respected abroad, and greatly valued by Azerbaijani citizens. The NTRC Chairman, who clearly saw the issue in very personal terms with the ANS leadership, was adamant, and showed no sign of flexibility on ANS' resuming

broadcasting, insisting that he had offered the company a chance to compete in the new tender for its own frequency if it wanted. The NTRC Chairman spent much of the meeting focused on events of more than one year ago, when ANS expanded its broadcasting on its radio station in the town of Sheki without appropriate permission, saying explicitly that this was the main reason for ANS' broadcasts being stopped. (Note: The NTRC Chairman, in his public remarks, has given varying, often mutually contradictory, reasons for the decision of the Council.) Separately, on the unresolved issue of the VOA and RFE/RL broadcasts, Maharramli repeated earlier arguments that "rebroadcasts" are illegal and that foreign broadcasters required licenses, but also seemed to imply that even with a license, an intergovernmental agreement would also be necessary. The NTRC Chairman also said he "regretted" that the West measured democracy in Azerbaijan by the presence of ANS. "We will definitely fill that gap with normal people," he added, again showing his personal animosity toward the ANS leadership.

¶4. (C) Comment: Based on recent conversations, we see no indication that the GOAJ is approaching this issue outside the framework of a tender. The Ambassador raised the issue with the Finance Minister on December 4, and also gave a stand-up interview to reporters on the ANS issue. We will continue to press hard on this key issue at all levels of government.

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